

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

JILL MACKEY,

Plaintiff,

Case Number 01-CV-10027 BC
Honorable David M. Lawson

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

_____ /

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION, AND GRANTING PLAINTIFF'S
MOTION FOR ATTORNEY FEES**

This matter is before the Court on the plaintiff's motion for attorney fees pursuant to the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412. The motion was referred to United States Magistrate Judge Charles E. Binder pursuant to 28 U.S.C. § 636(b)(1)(B) and E.D. Mich. LR 72.1. The magistrate judge issued his report on June 24, 2005 recommending that the plaintiff's motion for attorney fees be granted, and that counsel for the plaintiff be awarded \$5,100 for 31.2 hours of attorney time at the rate of \$163.46. The parties' failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Federation of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the motions. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the magistrate judge.

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation [dkt # 35] is **ADOPTED**.

It is further **ORDERED** that the plaintiff's motion for attorney fees [dkt # 32] is **GRANTED**.

It is further **ORDERED** that counsel for the plaintiff shall be awarded the amount of \$5,100.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: July 18, 2005

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney of record herein by electronic means or first class U.S. mail on July 18, 2005

s/Tracy A. Jacobs
TRACY A. JACOBS